

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MEADOWBROOK MEAT COMPANY, INC.,  
Plaintiff

SUMMONS IN A CIVIL ACTION

V.

PHOENIX PARTNERS LP, PHOENIX PART-  
NERS CORP., JOSEPH DEL VALLE, ET AL.

CASE NUMBER:

07 CIV 5979

JUDGE KRAM

TO: (Name and address of Defendant)

SEE ATTACHED SERVICE LIST

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALSTON & BIRD LLP  
90 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 25 2007

J. MICHAEL McMAHON  
CLERK  
*Marcos Quintero*  
(By) DEPUTY CLERK

DATE

**Service List**

Phoenix Partners LP	590 Madison Avenue, 21st Floor, New York, New York 10021
Phoenix Partners Corp.	590 Madison Avenue, 21st Floor, New York, New York 10021
Joseph Del Valle	590 Madison Avenue, 21st Floor, New York, New York 10021
Michael Carstens	425 E. 58th Street, New York, New York 10022  590 Madison Avenue, 21st Floor, New York, New York 10021
Michael Growney	205 Foss Drive, Upper Nyack, New York 10960
Donna Del Valle	1839 Celeste Drive, Wall, New Jersey 07719
Vanquish Acquisition Partners, LLC	590 Madison Avenue, 21st Floor, New York, New York 10021
CDG Enterprises	590 Madison Avenue, 21st Floor, New York, New York 10021
Southeast Cruise Holdings, LLC	590 Madison Avenue, 21st Floor, New York, New York 10021



**DLS**

**Demovsky Lawyer Service**

Premier Nationwide Document Retrieval  
and Process Service Company

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**MEADOWBROOK MEAT COMPANY, INC.,**  
Plaintiff(s),

**JUDGE KRAM**  
Index No. 07 CIV. 5979

-against-  
**PHOENIX PARTNERS LP, PHOENIX PART-  
NERS CORP., JOSEPH DEL VALLE, ET AL.,**  
Defendant(s).

**AFFIDAVIT OF SERVICE**

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

**OTIS OSBORNE**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and is employed by the attorney service, DLS, INC.

That on the 25<sup>th</sup> day of June 2007, at approximately the time of 1:10 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, RULES FOR ATTORNEYS, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN, CRITICAL INSTRUCTIONS TO ATTORNEYS AND 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL** upon Phoenix Partners Corp. at 590 Madison Avenue, 21<sup>st</sup> Floor, New York, NY 10021, by personally delivering and leaving the same with John Melidones, Director of Security, who informed deponent that he is authorized to receive service at that address.

John Melidones is a white male, approximately 45 years of age, stands approximately 6 feet 3 inches tall, and weighs approximately 230 pounds with balding black hair and brown eyes.

  
\_\_\_\_\_  
**OTIS OSBORNE #870139**

Sworn to before me this  
27<sup>th</sup> day of June, 2007

  
\_\_\_\_\_  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 01RI6109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 2008